

DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)
**SCURA, WIGFIELD, HEYER,
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FILED
JEANNE A. NAUGHTON, CLERK
AUG 23 2019
U.S. BANKRUPTCY COURT
NEWARK, N.J.
BY ____ DEPUTY

In Re:

RUDY TRBOVICH

Debtor.

Chapter 13

Case No. 14-23481 (VFP)

Hon. Vincent F. Papalia

Hearing Date: July 18, 2019 @ 10:00 a.m.

Oral Argument Requested

**ORDER TO REOPEN BANKRUPTCY CASE; CLOSING THE CASE
UPON THE GRANTING OF THE MOTION TO COMPEL NEWTEK
SMAL BUSINESS FINANCE, LLC REMOVE OF RECORD ITS
LIEN; AND SANCTIONING CREDITOR**

The relief set forth on the following page, numbered two, is hereby ORDERED.

8-23-19

Randy J. Cammarota
USBT

Debtor: Rudy Trbovich Doc 87 Filed 08/25/19 Entered 08/26/19 00:36:11 Desc Imaged
Case No.: 14-23481 (VFP) Certificate of Notice Page 2 of 3
Caption of Order: ORDER TO REOPEN BANKRUPTCY CASE; CLOSING THE CASE UPON THE
GRANTING OF THE MOTION TO COMPEL NEWTEK SMALL BUSINESS FINANCE, LLC TO REMOVE
OF RECORD ITS LIEN; AND SANCTIONING CREDITOR

This matter brought by way of motion by Rudy Trbovich, by and through his counsel, Scura, Wigfield, Heyer, Stevens & Cammarota, LLP, seeking entry of an order to reopen the bankruptcy case pursuant to 11 U.S.C. § 350(b) and closing the case upon the granting of a motion finding that Newtek Small Business Finance, LLC (“Newtek”) willfully failed to comply with a confirmation order, compelling Newtek to take all appropriate action to release the lien against the Debtor’s property, and for compensatory and punitive damages as a result of its willful violation pursuant to 11 U.S.C. § 1327(a) (the “Motion”); and the Court having considered the moving papers, the objection thereto, if any, and the arguments of counsel, if any; and the Court having determined that Newtek did take willful actions violative of the confirmation order; and good and sufficient notice of the Motion having been provided to all parties in interest as set forth in the Certification of Service filed with the Court; and good and sufficient cause having been shown,

It is hereby ORDERED as follows:

1. This bankruptcy case shall be re-opened.
2. Newtek shall take all actions necessary to release the lien against the Debtor’s property.
3. Newtek shall compensate Debtor in the amount of \$2,500.00, which amount represents the reasonable fees and costs necessitated by Newtek’s violative actions. The \$2,500.00 payment shall be made payable to the Debtor and delivered to Debtor’s counsel within ten days of entry of this order.
4. A Trustee shall not be appointed
5. The case shall be immediately reclosed

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
 Rudy Trbovich
 Debtor

Case No. 14-23481-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Aug 23, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 25, 2019.

db +Rudy Trbovich, 27 Stuckler Lane, Wayne, NJ 07470-3624

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 25, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 23, 2019 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor Toyota Motor Credit Corporation
 bnicholas@kmllawgroup.com, bkgroup@kmllawgroup.com

David L. Stevens on behalf of Debtor Rudy Trbovich dstevens@scuramealey.com,
 ecfbkfilings@scuramealey.com;dsklar@scuramealey.com;mmack@scura.com;lrichard@scura.com;jesposito@scuramealey.com

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
 dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

Jeanette F. Frankenberg on behalf of Creditor Seterus, Inc. as the authorized subservicer for
 Federal National Mortgage Association (Fannie Mae), creditor c/o Seterus, Inc. cmecf@sternlav.com

Marie-Ann Greenberg magecf@magtrustee.com

Vincent J. Massa, III on behalf of Creditor Valley National Bancorp
 vmassa@jonesandjonesesq.com

TOTAL: 6